

REMARKS

I. Status of the Application

Claims 19-84 are presently pending in the application. Claims 19-70 and 72-84 are allowed. Claim 71 stands rejected under 35 USC § 103(a) as being obvious over U.S. Patent No. 4,984,959 to Kato in view of U.S. Patent No. 5,982,127 to Matsubara and Hainer.

Applicant thanks the Examiner for the indication that claims 19-70 and 72-84 are allowable, and for the indication that the rejection of claim 71 over Kato in view of Nishizawa and Hainer has been withdrawn.

Applicant thanks the Examiner for the courtesies extended to the undersigned in the telephonic interview conducted on November 2, 2004.

Reconsideration of the application in view of the following remarks, and allowance of claim 71 is respectfully requested.

II. Claim 71 is Nonobvious over Kato, Matsubara and Hainer

Claim 71 stands rejected under 35 USC § 103(a) as being obvious over Kato in view of Matsubara and Hainer. This rejection is respectfully traversed.

The combination of Kato, Matsubara and Hainer fails to disclose or make obvious a compensating means “provided between the base plate and the shoulder axis,” as required by claim 71. As noted by the Examiner, Kato does not disclose a compensating means.

The Office Action states that “Matsubara meets actual written claim language in that the compensating means is physical[ly] between the base plate and a shoulder axis.” Applicant respectfully submits that the compensating means of Matsubara is not provided between a base plate, upon which a foot part is mounted, and a shoulder axis, as required by claim 71. Rather,

the compensating means of Matsubara (its balancing device A) is contained within movable mount structure 2 as seen in FIGS. 1 and 2. The shoulder axis of Matsubara extends vertically and substantially perpendicular to base plate 19. The compensating means (balancing device A) also extends substantially vertically and perpendicular to base plate 19. The compensating device is simply and clearly not “provided between the base plate and the shoulder axis.” Rather it is spaced horizontally from the shoulder axis, and both the compensating means and shoulder axis are positioned above base plate 19.

Not only does Matsubara not disclose this required limitation, it in fact teaches away from the required limitation. The sole function of the balancing device is to balance the weight of mount structure 2 during vertical movement thereof (see, e.g., col. 1, lines 11-13, and 51-59; col. 2, lines 33-37, and 55-63; col. 3, lines 47-48; and col. 3, line 67 through col. 4, line 20). Mount structure 2 is connected to balancing device A by bracket 9 and moves upwardly and downwardly with respect to base plate 19. The balancing device A compensates for moments caused by the weight of mount structure 2 as mount structure 2, and the shoulder axis, moves upwardly and downwardly with respect to base plate 19.

It would defeat the purpose of balancing device A to provide it between base plate 19 and the shoulder axis, since balancing device A is designed to move the shoulder axis up and down with respect to base plate 9. Thus, the required limitation is not disclosed and not obvious in view of the teachings of Matsubara.

Hainer also does not disclose a compensating means and is cited merely as disclosing a rotatable footpart on a base plate. Applicant respectfully submits that support element 48 of Hainer is not a footpart and yoke 40 is not a base plate. Support element 48 is in a central portion of manipulator 16 and is clearly not a footpart of manipulator 16. Yoke 40 is also

positioned in a central part of manipulator 16 and is not a base, nor is it a plate. It has a substantially C-shaped cross-section and receives support element 48. Accordingly, the rejection is improper and should be withdrawn.

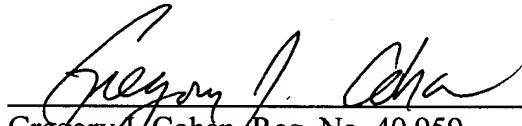
III. Conclusion

In view of the foregoing amendments and remarks, pending claim 71 is believed to be allowable, and an indication to that effect from the Examiner is respectfully requested at this time. If a telephone conversation with applicant's attorney would expedite prosecution of the above-referenced application, the Examiner is urged to call the undersigned at the number below.

Please apply any required charges or credits to our Deposit Account No. 19-0733.

Respectfully submitted,

Date: December 21, 2004



Gregory J. Cohan, Reg. No. 40,959
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109-1775
Telephone: (617) 720-9600